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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,678	09/07/2000	Walter J. Hein	8190-424	1936
826	7590	10/01/2003	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000				BAYAT, BRADLEY B
		ART UNIT		PAPER NUMBER
		3621		

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/656,678	HEIN ET AL.
	Examiner	Art Unit
	Bradley Bayat	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-10 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

Applicant's claims 1-10 remain pending and are again presented for examination.

### ***Response to Arguments***

Applicant's arguments filed on April 23, 2003 have been fully considered but they are not persuasive.

Applicant asserts that the method and system of the claimed invention provides a "collaborative approach to issue resolution between customers and originating entities, that is neither taught nor suggested by the Galdes et al. '932 reference (applicant's response p.4)."

Applicant argues that the "discussion-capable electronic media is accessible by the customer, the originating entity, and a committee comprising a customer representative and an originating entity representative (Id.)." Thus, the applicant distinguishes the Glades' reference from applicant's claims 1-3, 5-7, contending that Galdes does not provide such a collaborative approach to issue resolution. The examiner has fully considered applicant's arguments, but respectfully disagrees.

The Galdes reference discloses a collaboration unit that permits an advisor to interact with a customer, interfaces with the database unit through the network communication unit and further includes a communication channel for interactive digital text, images, video and audio capabilities (column 3, lines 8-29). An advisor may be a customer service representative, another customer, an automated system, or any other mechanism that provides help to the customer (column 2, lines 55-58). The collaboration further includes a workflow controller that routes cases to advisors, tracks and monitors issue resolution in order to open and close cases (column 3, lines 29-35). After the initial advisor and the search unit cannot resolve the issue, an

elevation unit elevates the request and transfers all the information collected by the workflow controller and consults another advisor, e.g., a manager or technical specialist (column 3, line 57-column 4, line 4)."

Therefore, the examiner asserts that Galdes' collaboration unit anticipates applicant's collaborative approach to issue resolution. The collaboration between the initial advisor (i.e., customer, customer rep) and the secondary advisor (i.e., technical specialist) to resolve an elevated or unresolved priority issue is not unlike applicant's committee, comprised of a customer and an originating entity. Therefore, claims 1-10 remain pending and are again rejected.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3, 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Galdes et al., U.S. Patent 6,177,932 B1.**

As per claims 1 and 5, Galdes et al discloses a method of collaboratively identifying, prioritizing, and resolving issues affecting a series administered by an originating entity, the series comprising a plurality of similar complex systems, the method being implemented over a computer network, the method comprising (see Figures 2 and 3 and associated text): receiving at least one of an issue and a comment corresponding to the issue over the computer network from

at least one of a first computer device adapted to be used by a customer in possession of a system in the series and a second computer device adapted to be used by the originating entity (see Figure 4, item 415 and associated text); posting at least one of the issue and the comment on a discussion-capable electronic media accessible to the first, the second, and a third computer device over the computer network, the electronic media being configured to have a plurality of issues and a plurality of comments posted thereon, the third computer device being adapted to be used by a committee comprised of a customer representative and an originating entity representative (see Figure 4, item 435, 440 and associated text); allowing the committee, via the third computer device, access to the electronic media such that the committee is capable of separating the posted plurality of issues into rejected issues and action issues at least partially based on the posted plurality of comments, the committee thereafter prioritizing the action issues (see Figure 4, item 430 and associated text); allowing the committee, via the third computer device, to send a set of resolution directions for each action issue over the computer network to at least one of the customer via the first computer device and the originating entity via second computer device (see Figure 4, item 460 and associated text); receiving a resolution proposal for each action issue over the computer network such that the resolution proposals are accessible by the committee via the third computer device; and allowing the committee, via the third computer device, to direct the implementation of the resolution proposal for each action issue over the computer network, whereby the committee then directs closure of the action issue upon completion of the implementation of the resolution proposal (see Figure 4, item 460 and associated text; Figure 7, item 790 and associated text).

As per claims 2 and 6, Galdes et al discloses a method according to Claim 1 further comprising storing the rejected issues for at least one of further monitoring and future reference (see Figure 4, item 450 and associated text; Figure 3 and associated text).

As per claims 3 and 7, Galdes et al discloses a method according to Claim 1 wherein allowing the committee to send a set of resolution directions further comprises allowing the committee to send a set of resolution directions comprising at least one of an assignment of the action issue to at least one of the customer and the originating entity, a suggested cost of the implementation of the resolution proposal, and a criteria for designating the action issue as being resolved (see Figure 4, item 460 and associated text; Figure 7, item 790 and associated text).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galdes et al., '932 in view of M2 Presswire regarding Enigma, Inc. (dated August 14, 2000).**

As per claims 4 and 8-10, Galdes et al. discloses a synchronous method of collaboratively identifying, prioritizing and resolving issues affecting an entity over a computer network (see abstract; column 1, line 54 – column 2, line 10). Galdes et al. does not specifically teach the use of the invention by an aircraft manufacturer. Enigma, however, teaches the applicability of the invention to aircraft manufacturers, such as Bombardier Aerospace (see pages 1-3). Enigma is evidence that one of ordinary skill in the art would recognize the benefit of applying this network

based customer support method to aircraft manufacturers. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Galdes' network based customer service method to Enigma.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Bayat whose telephone number is 703-305-8548. The examiner can normally be reached on Tuesday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 3621

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5484.

bbb

September 30, 2003

JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600